

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

MUR 5839

BLESSINGER FOR CONGRESS

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5839 as a low-rated matter. In this case, the complainant George Burke, on behalf of Friends of Carolyn McCarthy, alleges that Blessinger for Congress ("the Committee") failed to report initial campaign expenses exceeding the \$5,000 threshold as required under C.F.R. § 100.3(a)(1-4). Specifically, as of August 31, 2006, the Committee failed to report over \$42,000 in campaign expenses and in-kind contributions, including over 200 light box advertisements, campaign bumper stickers, large billboard advertisements, and the construction and maintenance of a campaign website.

The Committee responded by claiming that it did not exceed the \$5,000 reporting threshold until July 17, 2006. Thereafter, the Committee reported its July activity on its 2006 October Quarterly Report, which covered the reporting period from July 1, 2006 through

1 September 30, 2006 Additionally, the candidate noted in a supplemental response, that his
2 committee paid the fair market value (i.e., a total of \$12,076) for the light box
3 advertisements, which were reported on the Committee's 2006 October and Post General
4 Reports

5 Although it is possible that the Committee may have been obligated to file disclosure
6 reports at an earlier point in the election cycle, it appears from the public record that the
7 Committee accurately reflected its total financial activity at the first opportunity the expenses
8 could be reported Thus, in reviewing the start-up activity of the Committee and the merits
9 of MUR 5839, in furtherance of the Commission's priorities and resources, relative to other
10 matters pending on the Enforcement docket, the Office of General Counsel believes that the
11 Commission should exercise its prosecutorial discretion and dismiss the matter *See Heckler*
12 *v. Chaney*, 470 U S 821 (1985)

13 **RECOMMENDATION**

14 The Office of General Counsel recommends that the Commission dismiss MUR
15 5839, close the file effective two weeks from the date of the Commission vote, and approve
16 the appropriate letters Closing the case as of this date will allow CELA and General Law
17 and Advice the necessary time to prepare the closing letters and the case file for the public
18 record

19 Thomasenia P Duncan
20 Acting General Counsel
21

22
23 2/20/07
24

25 Date

26 BY

27 

28 Gregory R Baker
29 Special Counsel
Complaints Examination
& Legal Administration



Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Attachments:

- (1) Narrative in MUR 5839
- (2) Supplemental Response from Candidate, dated February 22, 2007

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5 **MUR 5839**

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7 **Complainant:** George Burke. on behalf of
8 Friends of Carolyn McCarthy
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10 **Respondents:** Blessinger for Congress and
11 George Sambus. as Treasurer
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15 **Allegations:** The complainant alleges that Blessinger for Congress ("the Committee")
16 failed to report initial campaign expenses exceeding the \$5,000 threshold as required
17 under C F R § 100 3(a)(1-4) Specifically, the complainant suggests that as of August
18 31, 2006, the Committee failed to report over \$42,000 in campaign expenses and in-kind
19 contributions, including 200 light box advertisements (i e . advertisements found on the
20 roof of taxi cabs), production of bumper stickers, production of a large billboard
21 advertisement, and the construction and maintenance of a campaign website
22

23 **Response:** The Committee noted in its response that the candidate did not exceed the
24 \$5,000 threshold until July 17, 2006 Thus, Mr Blessinger did not become a candidate
25 until July 17, 2006 Accordingly, the Committee reported its July activity on its 2006
26 October Quarterly Report, which covered the reporting period from July 1, 2006 through
27 September 30, 2006 Additionally, the candidate noted in a supplemental response, that
28 his committee paid the fair market value (i e . a total of \$12,076) for the light box
29 advertisements, which were reported on his 2006 October and Post General Reports
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31 **Date complaint filed:** October 10, 2006
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33 **Response filed:** November 3, 2006 & February 22, 2007

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